IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B.SUDERSHAN REDDY
WRIT PETITION NO : 8025 of 1994

Between:
Ponnana Ramakrishna, S/o.Rajappadu
Aged 31 years, Clerk, Arasavilli Primary Agricultural
Cooperative Society, Arasavilli, Srikakulam District

..... PETITIONER

AND

1. The Arasavilli Primary Agricultural Cooperative Society
   Rep. By its Secretary, Arasavilli, Srikakulam District
2. Sinthu Sudhakara Rao, S/o.Surayya
   Aged about 37 years, President, The Arasavilli Primary
   Agricultural Cooperative Society, Arasavilli
   Srikakulam District
3. The Dy.Registrar of Cooperative Societies
   Gujarathi Peta, Srikakulam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, Order or direction particularly one in the nature of Writ of Mandamus directing the respondents to continue him as a Clerk in the second respondent society as usual, on par with the other Clerks, declaring that the order dated 8-4-1994 issued by the President of the Society removing him from service is improper, illegal, contrary to Law and opposed to the Principles of Natural Justice and to pass such other or further orders which the Hon'ble Court may deem fit, just and proper in the circumstances of the case.

Counsel for the Petitioner:MR.D.RAMALINGA SWAMY

Counsel for the Respondents: GOVERNMENT PLEADER FOR COOPERATION

The Court made the following Order:

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The petitioner in the instant writ petition prays for issuance of a writ of mandamus directing the respondents to continue him as a clerk in the 2nd respondent society on par with the other clerks by duly declaring the order dated 8.4.1994 issued by the President of the society removing him from service as improper and illegal.

The petitioner has been appointed as a clerk in the Primary Agricultural Cooperative Society Limited, Arasavilli on a consolidated pay of Rs.500/- per month vide proceedings dated 31.05.1992. The said proceedings appointing him as a clerk do not disclose as to whether it was a regular appointment. The very appointment says that it was on a consolidated pay of Rs.500/- per month.

Be it as it may, the Managing Committee of the Society in its meeting held on 31.12.1993 resolved to remove the petitioner from service. It is that order which is impugned in this writ petition. This Court having directed Rule Nisi suspended the operation of the impugned order. The impugned order itself says that the financial position of the Society is not good for continuing the petitioner as the clerk of the Society. The Society was not in a position to pay the salaries and the petitioner being the junior most was removed from service with effect from 12.01.1994.

It is not known as to whether the petitioner is being continued in service in view of the interim order passed by this Court suspending the order of removal. No counter affidavit has been filed in the matter.

Neither the Society nor the 3rd respondent filed any counter affidavit apposing the claim of the petitioner. The present status and the financial position of the society are also not known.

In the circumstances, this writ petition is disposed of directing the 2nd respondent-society to reconsider its decision, provided the petitioner is still in service. Until such reconsideration, the petitioner shall be entitled to the benefit of the interim order, passed by this Court on 25.04.1994.

The writ petition is disposed of accordingly. No costs.

17.06.2004
bsv

.ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

(One fair copy to the Hon'ble Sri Justice B.Sudershan Reddy for his Lordship's kind perusal)

To

1. The Arasavilli Primary Agricultural Cooperative Society
   Rep. By its Secretary, Arasavilli, Srikakulam District
2. Sinthu Sudhakara Rao, S/o.Surayya
   Aged about 37 years, President, The Arasavilli Primary
   Agricultural Cooperative Society, Arasavilli
   Srikakulam District
3. The Dy.Registrar of Cooperative Societies
   Gujarathi Peta, Srikakulam.
4. 2 CCs to the Government Pleader for Cooperative Society, High Court Bldgs., High Court of A.P., Hyderabad (OUT)
5. 2 CD copies